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ABSTRACT

This document discusses several models, which if implemented, would remove out-of-state barriers to educational opportunity. Such opportunity might be expanded by initiating cooperative studies and sharing specialized teaching resources. The appropriateness of the models depends on individual state and district laws regulating tuition, waivers, out-of-state student quotas, and constitutional limitations on interlocal and interstate agreements. Included in this document are samples of legislation enabling educational institutions within a state system to enter into bilateral or multilateral exchange agreements. The models of exchange are: (1) a simple student exchange on a reciprocal basis; (2) an exchange program for students in specified curricula; (3) tuition reimbursement to students in specific curricula; (4) contractual payments sending state funds to the receiving state or institution; and (5) multilateral exchanges for students in regional curricula. (CA)

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# Interstate Cooperation at the Community College Level

## Student Exchange Models

### Part 1

October 1969

UNIVERSITY OF CALIF.
LOS ANGELES

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CLEARINGHOUSE FOR
JUNIOR COLLEGE
INFORMATION

JC 710 069

Western Interstate Commission for Higher Education
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# INTRODUCTION

The concept of community college education embraces several factors which enable it to provide unique educational experiences. Among these are the goals of (1) providing opportunities which are geographically and financially accessible to students and (2) orienting the curricula to the broad educational and technical needs of the community.

The following quote by educator Edward Mansfield reflects the challenge which community colleges try to meet:

> " . . . an education that has all the characteristics of American life, fresh, original, vigorous, and oblinging, embarrassed by no artificial barriers and looking to a final conquest over the obstacles to the progress of human improvement."

The phrase "no artificial barriers" expresses the intent of this document with regard to community college education. This document sets forth several models which, if implemented throughout the western states, would help to remove out-of-state tuition barriers to educational opportunity.

The plans envisioned here are designed to move students effectively across state borders by removing political boundary limitations on a community college's service area, particularly those institutions near state borders. Such plans should enable the western states to take maximum advantage of all public educational facilities in the West by expending educational opportunities, initiating cooperative studies and sharing specialized teaching resources.

There are numerous economic advantages of interstate student exchanges particularly in many western states which have widely scattered sparse populations. Such states can conserve their resources by not establishing expensive community colleges to serve populations in remote areas, and instead enter into agreements with existing nearby institutions in an adjacent state.

This can prevent proliferation of community colleges and programs which affect the quality and diversity of program offerings as well as the unit costs per program. Through interstate planning and coordinating, the western states can increase educational opportunities for their residents and perhaps encourage those who might not otherwise be interested in post-high school education to take advantage of these opportunities.

To implement some of the plans in this document, statutory provisions may have to be approved by legislatures to authorize the colleges, the local districts, and the state systems to enter interstate and interlocal agreements. Such agreements are convenient instruments to make institutions and agencies more effective and responsive to public needs.

Included in this document are samples of legislation enabling education institutions within a state system to enter into bilateral or multilateral exchange agreements.

This document was prepared by Julia Vadala, Program Coordinator, Western Interstate Commission for Higher Education. Any questions regarding its contents should be directed to her.

## STUDENT EXCHANGE MODELS

The following models of student exchanges at the community college level may be applicable in the western states. The appropriateness of the several models will depend on individual state and district laws regulating tuition, waivers, any out-of-state student quotas, and the constitutional limitations on interlocal and interstate agreements.

Part 2, Interstate Cooperation at the Community College Level--Summary of State Legislation, should provide useful information about each state's ability to enter into the proposed agreements.

The Summary is a compilation of excerpts from state statutes which indicate each state's policy regarding tuition charges and out-of-state students.

In several cases, the WICHE interstate compact can provide the necessary mechanism to implement acceptable models.

MODEL ONE

Simple Student Exchange on a Reciprocal Basis

The program would enable simple exchanges based on reciprocity. It would offer a specific number of students the opportunity to study at a community college in another state at the resident tuition/fee of the receiving state.

Such a program could be coordinated at the state level with representatives from each state coordinating board for community colleges agreeing on the number of students who would be eligivle. To make the programs flexible, a range figure could be used. WICHE would set a maximum permissible difference between the in-flow and the out-flow of students. For example, if the range of students to be exchanged were twenty, a state receiving ten students from another state could send that state thirty students. If the first state received fifteen, it could send thirty-five.

This model is based on a cultural exchange idea--giving a limited number of students the opportunity to study outside of their home environment. It would be the easiest program to set up and administer. It would not involve state appropriations or transfer of funds; and, it would be particularly effective for border colleges where a natural flow of students often is curbed by excessive out-of-state tuition costs.

Procedure: Students would apply and be accepted out-of-state through normal admissions procedures. If accepted, they would apply to their home state, through the state-wide coordinator for community colleges, for a non-resident tuition waiver to study in state X. The criteria for awarding these waivers would not have to be based only on scholarship, but could consider background, personality, and special character attributes of the student, in keeping with a cultural exchange idea. Or, the easiest method, of course, would be to award the tuition waivers on a first-come basis as long as the supply lasts.

The student would then take his tuition waiver certificate to the school which admitted him out-of-state. These would be turned in by the various schools in that state to the state-wide coordinating body for community colleges, and then tabulated and reported regionally after each semester The adjustments of numbers of students could then be made on a regional basis between certain states where an imbalance was indicated.

Positive Features: The most obvious advantage of such a system would be the elimination of the financial barrier to education which many students have who live near a community college in another state.

In addition to improving educational opportunity financially, it would enhance options in curricula if students could enroll in special programs offered in colleges in other states.

For colleges wishing to increase enrollments, it would broaden their recruitment sources, improve the quality and scope of education, and be

more economical in terms of unit costs.

A coordination of curriculum planning among the states and community colleges might avoid duplication of expensive programs and facilities.

States would not have to build expensive educational institutions to serve residents in peripheral sites if educational opportunities were available in nearby community colleges of an adjacent state.

Problems: The different dollar levels of non-resident tuition charges being waived might cause some financial concern to the states with the highest non-resident tuition charges. Depending upon which schools these exchange students attended, it is possible that a differential in waived non-resident tuitions could arise between the various states. If the state which accrued a significantly higher differential were entering this program to compensate for peripheral community colleges it lacks, it might gladly overlook this cost difference.

In addition to the problem of parity, some states would be barred from participation by legal prohibitions against remitting out-of-state tuition. This consideration would have to be taken into account with all models.

Several states do not have at present state-wide coordinating agencies for community colleges. The community colleges in such states often have local district-supported colleges. A remission of out-of-state or out-of-district tuition would result in a loss of revenue. This could be compensated through payment by the non-resident's home state or through state-support grants to the community college.

The Colorado State Board for Community Colleges and Occupational Education proposed the following legislation which would provide state compensation to the local Colorado community college districts:

> "The State Board for Community Colleges and Occupational Education is hereby authorized to certify and authorize payment to junior college districts maintaining junior colleges an amount not to exceed $500 per student which shall represent the difference between resident non-district tuition and, non-resident tuition for residents of states which have established formal reciprocal agreements with the State Board for Community Colleges and Occupational Education."

MODEL TWO

## An Exchange Program for Students in Specified Curricula

Theoretically, every state lacks certain uncommon curricula, has curricula which should be phased out, or has curricula to which it would like to attract more students. A reciprocal exchange of qualified students in specific programs could be worked out among participating states which would result in a mutually beneficial sharing of curricula resources.

Under this plan, state residents would pay resident tuition and fees at a community college in another state on one of two conditions: (1) if the student wishes to enroll in collegiate or technical programs not offered in any state controlled community college in his home state; or (2) if the out-of-state institution offering a specific program is geographically more accessible than a community college within the state which also offers the program.

The plan would be based on reciprocal, bilateral agreements, and would not involve the transfer of state funds.

Procedure: Such a plan could be implemented through bilateral agreements between or among similar agencies; i.e., two state community college coordinating agencies, two states, presidents of institutions. The agreements should designate types and numbers of students to be admitted and the definitions of "residency" which would be acceptable. Under such bilateral agreements, it is preferable that the definition of residency be determined by the students' home or domicile state.

The implementation of the model would involve an extensive study of state curricula on a regional basis, either by the states themselves or by WICHE, and some coordination between the states for the exchange of students. This model might best be administered through a central coordinating agency such as WICHE in close cooperation with the responsible state officers or agencies for higher education.

Every student in the WICHE states would have access to a listing of the curricula incorporated in this program. The list would show curricula not offered in his state, but available elsewhere. It would show where these curricula are offered and their levels of entry. The student would apply directly to the school where his curriculum is offered and be given preferential treatment for admission as a regional student. Hopefully, if one program were full, it would also be offered in other states. Upon his admission to a curriculum, designated as regional for residents of his state, his state would authorize a waiver of non-resident tuition. Taking into consideration the limits of reciprocity, the home state would use scholarship and ability as the basis for issuing the tuition waiver.

Model Two, Continued

If coordination of the model as presented above proved too complex, a simple memorandum of agreement would have to be worked out among the states for each specific curriculum to be included.

Positive Features: Many community colleges have vocational-technical programs to which they wish to recruit additional students. This would potentially broaden the enrollment in specific programs and lower the per unit cost of instruction.

No one state is able or willing to offer all variations of curricula at the community college level. A plan such as this could lead to interstate coordination in planning high cost programs. By sharing educational resources, these states could strengthen or phase out portions of expensive curricula.

Such a program would increase the academic and vocational options of community college students, particularly those living near state borders.

The plan would work best between two states which have either an equal student migratory flow or have similar out-of-state tuition costs.

Problems: The non-resident tuition differentials between states as indicated in model one would be a major deterrent to such an agreement.

The "have not" states, which need this type of program, may have no significant curricula to offer the "have" states in return, or at least not enough so that the agreements would be truly reciprocal. For example, the curricula in the State of California may be very attractive to certain other states under this program, but would California benefit enough in return to want to join the program? Or, if the smaller states did have some eligible programs, would students from cosmopolitan states tend instead to go to other cosmopolitan states to study?

The administration of such a program could be assumed by WICHE; however, due to the long range character of the program, adequate financing would have to be provided.

MODEL THREE

## Tuition Reimbursement to Students in Specific Curricula

Under this plan, qualified students wishing to study a curriculum not offered in his home state would be awarded a scholarship to attend an out-of-state community college. The amount of scholarship money would be the dollar difference between resident and non-resident tuition at the out-of-state college.

This program would have to apply only to specific curricula determined by appropriate persons in the student's home state.

Procedure: The award is made after the student has been accepted elsewhere in the desired program, not necessarily within the WICHE states. The student then takes this scholarship money with him and pays the normal non-resident tuition where he has been accepted.

Positive Features: The student would be given the opportunity to study in a field not otherwise available to him in his state.

The home state legislature may find a plan such as this far less expensive than establishing the desired curricula within that state.

Problems: A program such as this does not offer guaranteed or preferred admission to another state's curricula, and therefore does not necessarily alleviate a "have not" state's situation. Money would have to be budgeted by the state legislature to provide the scholarships. There would be no potential for regional curricula planning or resource sharing.

MODEL FOUR

## Contractual Payments by Sending State to the Receiving State or Institution

There are several situations where reciprocity in student exchanges is not feasible either because one state has no educational resources to offer, the flow of students is too unbalanced, or the cost differentials are unsatisfactory. One alternative is a system whereby one state contracts with another to provide educational opportunities for its students. This system is favorable for states which want to avoid expensive duplication of facilities and curricula offered at a nearby college in another state.

For states willing to support the out-of-state post-secondary education residents, this plan can be implemented through interlocal or interstate arrangements.

Positive Feature: The New England Regional Student Program (see next section) is a successful exchange program which does not involve a flow of dollars across state lines. However, experiences in the WICHE Student Exchange Program and research done by the Midwestern Conference of the Council of State Governments indicate that there is great likelihood for successful student exchanges in a system in which the sending state's dollars flow with the student into the receiving state.

In such arrangements, there should be negotiated special rate payments which reflect the actual cost of the educational services, not just the strict non-resident tuition differentials. Often the special rate will exceed the actual non-resident tuition fee.

Problems: Such a plan would require state appropriations. Some state laws prohibit the direct expenditure of funds across state borders. Under this circumstance, it would be possible for WICHE to serve as the intermediary to receive and allocate the funds.

As in Model Three, such a plan to contract for services negates the concept of regional resource sharing and educational planning.

MODEL FIVE

## Multilateral Exchanges for Students in Regional Curricula

The implementation of this plan would require the designation of a highly selected group of uncommon curricula which would be open to all community college students in western states on a resident tuition basis. The selection of the regional curricula would be made on the basis of detailed information concerning the strengths and weaknesses of the curricula in each public community college in each state. The number of regional curricula would tend to be small rather than large because the program would place more emphasis on building peaks of excellence and phasing out weaker curricula than on expanding opportunity for young people.

### Procedures

1. Identifying regional curricula. At a regional conference, each state's responsible representative (state-wide coordinator for community colleges) would suggest several curricula his state either did not offer or would like to discontinue and several programs of excellence in his state which need to attract more students. Each state would offer certain curricula on a regional (in-state tuition) basis and all other states would either accept or not accept each offered curriculum as a regional program for its students. During this process, each state would attempt to develop such a balance between offered and accepted curricula that it would have the prospect of sending out of state approximately the same number of regional students it accepted into its regional curricula. The state representatives would meet once a year to review the regional curricula, to offer and accept new ones, and, where necessary, to withdraw them.

2. Student procedures. WICHE would publicize these regional curricula, making information about them available to high school students in the West. Students would apply and be accepted out of state in regional curricula through normal admissions procedures. If accepted, they would apply to their home state through the designated state officer (the state-wide coordinator for community colleges) for a non-resident tuition waiver to study in state "X." If the home state did not decide to choose among students applying for tuition waivers according to personal and academic qualifications, the waivers could be awarded on a first-come, first-served basis. The student would take his tuition waiver certificate to the out-of-state community college which admitted him. These would be turned in by the various institutions in that state to the state-wide coordinating body for higher education and then tabulated and reported regionally after each semester. If significant imbalances developed between states, adjustments could be made from one semester to the next as new applicants appeared. In dealing with the problem of the balance in numbers of students between states, some flexibility could be introduced by agreeing that an imbalance between states would be tolerated up to a certain maximumum, say twenty students.

Regional students would be given preference for admission after students from the home state had been accommodated. Each college must retain its full right to accept or reject any student in view of his competence and the institution's existing commitments to its own students.

3. WICHE's role. This system for student exchange would be coordinated by WICHE, but the decisions concerning its operation would be made by officials in each state. WICHE could:

(a) develop the plan in cooperation with state-level higher education coordinators;
(b) convene the state representatives for the curriculum designation sessions;
(c) publicize the program; and
(d) maintain a regional accounting of the flow of students.

Positive Features: The plan would help state-wide coordinating boards to perform their functions better by permitting them to justify phasing out certain high-cost, low-yield curricula by providing comparable opportunities for residents of the state at institutions outside the state.

The program would have the effect of broadening the scope of opportunity available to students from any given state.

The program would not require the exchange of dollars between states.

The total regional effect of the program should be to provide for more efficient use of available higher education resources.

Problems: The meetings of the coordinators and the keeping of records by the states and by WICHE would be a continuing expense which would have to be funded from some source.

A state which decided to phase out a given curriculum on the basis that its young people could study that curriculum out of state as regional students, could not be sure that all of its students qualified for that curriculum would be accepted. This lack of assurance and the commitment to an approximately equal balance of students between states could be a strong barrier against phasing out marginal curricula.

The "have not" states, which need this type of program, may have nothing of real consequence to offer the "have" states in return; or at least not enough that the agreements would be truly reciprocal.

The different dollar levels of non-resident tuition charges being waived might cause some financial concern to the states with the highest non-resident tuition charges. Depending upon which schools these exchange students attended, it is possible that a dollar differential in waived non-resident tuitions could arise between the various states even though the numbers of students exchanged among states remained about equal.

Multilateral Exchanges for Students in Regional Curricula, Continued

However, if the state which accrued a significantly higher differential were entering this program to compensate for curricula it lacks, it might gladly overlook this cost difference.

At the beginning, at least, some states would be barred from participation by legal prohibitions against remitting out-of-state tuition.

Several states in the West at present do not have state-wide coordinating agencies for community colleges and another responsible body representing the interests of local district community colleges would have to be identified to work in designing and implementing the program.

## 14. GENERAL PRINCIPLES FOR STUDENT EXCHANGE

agreed upon at

MIDWESTERN CONFERENCE* ON COLLEGIATE LEVEL STUDENT EXCHANGE ACROSS STATE LINES

1. There is a need in each state for a central agency or mechanism to serve as a focal point for interstate cooperative efforts on matters pertaining to higher education.

2. There should be close coordination between state legislators and educational administrators in the development and negotiation of interstate agreements. Specifically, it should be the responsibility of the Legislature to provide a broad policy framework, with the details to be left to administrative discretion within the policy limits.

3. Undergraduate reciprocal agreements may be appropriate where particular geographical circumstances call for action. Generally, however, "common market reciprocity" is not applicable at the undergraduate level.

4. In graduate and professional areas, a number of working reciprocal arrangements already exist; it is anticipated that with the increasing availability of federal funds, interstate barriers will be steadily reduced. More and more, the products of professional and graduate schools are serving a national market.

5. Bilateral agreements between states in specific problem areas are the most desirable and practical method for effecting interstate students exchange.

6. Under such agreements, the definition of residency should be determined by the student's home, or domicile, state.

7. Admissions standards should be determined by the institutions receiving the student.

8. Bilateral agreements should clearly specify the types and numbers of students to be included. This could be done by class level or by program area.

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*The Midwestern Conference on Collegiate Level Student Exchange Across State Lines was held in Chicago, April 4-5, 1968. It was sponsored by the Advisory Committee on Higher Education of the Midwestern Conference of the Council of State Governments.

(General Principles for Student Exchange, Continued . . .)

9. As a general rule, contractual payments are an appropriate fiscal arrangement under bilateral agreements between states. However, straight reciprocity, involving a waiver of non-resident fees, may be equitable alternative where there is a relatively even exchange of students across state lines.

10. Such contractual or cash payments (from one state to another) should be based on cost-by-student-level ormulas--undergraduate, graduate, and professional--and should be subject to periodic review and revision as necessary.

11. The role of the Council of State Governments in disseminating information on interstate agreements and serving as a clearing-house on interstate agreements ought to be supported and is a most useful role.

12. There is a need for the availability of expertise in developing arrangements and addressing attention effectively to the kinds of legislation and the way in which legislation could be implemented.

13. Machinery used for interstate student exchange should be related to the objectives to be attined. Any broad extension of permanent service machinery should be deferred until more information and experience is available to indicate the needs in this area.

14. The Advisory Committee on Higher Education should continue and expand its role in gathering data for the twelve-state region; specifically, the 1963 report on Midwestern college student migration should be up-dated and kept current.

SUMMARY OF SELECTED EXISTING
EXCHANGE PROGRAMS

## The WICHE Student Exchange Program

The Student Exchange Program (SEP), administered by the Western Interstate Commission for Higher Education, provides opportunities for professional education for the West's young people. Under SEP, residents of western states without schools of medicine, dentistry, veterinary medicine, or dental hygiene are able to attend these professional schools in other western states with some consideration not given to other out-of-state students. For instance WICHE students may receive preference over other nonresident students in admission to professional schools.

In public institutions they pay in-state (resident) tuition which is always lower than that paid by out-of-state students (non-residents). From private schools, under SEP, students receive a substantial rebate in the standard fee. In return, the students' home state pays each receiving institution a supplemental "support fee" to reimburse the school for part of the cost of the students' education.

The amount of support fees is established by vote of the WICHE Commissioners.

### A. THE ROLE OF THE SENDING STATES

The sending state determines who is eligible for inclusion in the SEP, through certification, and how many students it can support in the program in any given year, through appropriation of funds by the state legislature.

A student who wishes to be under the SEP applies to his state certifying officer who determines the student's eligibility for support. Each sending state sets its own requirements for eligibility. The major requirements differ from state to state.

### B. THE ROLE OF THE RECEIVING SCHOOLS

The student applies for admission directly to the professional school he wishes to attend. Schools retain the right to accept or reject any applicant in terms of the schools' own admission standards, but schools participating in the SEP give certified applicants preference in admission over other out-of-state applicants whenever possible.

C. THE ROLE OF WICHE

A WICHE staff member serves as coordinator of the Student Exchange Program. The coordinator handles all communications among the states and institutions that participate in the SEP.

Each state certifying officer sends his state's list of certified students to WICHE. WICHE sends the names of certified students to cooperating schools. These schools send to WICHE the names of students from the states as they are accepted, and WICHE matches the certified ones with the number the state can support (or gives the certifying officer the news of uncertified students being accepted so he may attempt to obtain support and certification for them if they wish it).

The states send support funds to WICHE. Each state sends one check in the amount of total support for all SEP students in all fields for that state. WICHE then allocates the funds among the schools according to where students from that state are enrolled.

## NEW ENGLAND REGIONAL STUDENT PROGRAM

New England Board of Higher Education

The regional student program is concerned with specialized educational opportunities available within the region at the public junior and community colleges, technical colleges and institutes, and vocational institutes.

PROGRAM:

Under the cooperative effort, each New England state has agreed to admit a quota* of out-of-state New England residents for study at its public, degree granting, two-year colleges and institutes. When a study program is not offered at an in-state institution, a qualified student may enroll at any participating out-of-state institution offering the study program. When a study program is offered at both in-state and out-of-state institutions and the out-of-state institution is closer in traveling time to a qualified student's legal residence, the student may enroll out-of-state. Each college maintains control over its own courses and programs.

Students accepted in these programs are granted the benefit of in-state or resident tuition fees. The decisions to undertake the program are under the premise that there will be no exchange of funds among the states.

OBJECTIVES:

The primary objective of the program is to increase the number of educational opportunities available to New England young people.

A secondary objective is to help institutions avoid operating costly duplicate programs offered in neighboring states. The hope is that the program will enable some institutions to rid themselves of certain marginal curricula, available elsewhere, and to concentrate on other areas where they are especially strong. Thus it hopes to improve the efficiency and the economy of their educational enterprises.

* A maximum of 2% of the previous year's student body enrollment.

## Minnesota-Wisconsin Higher Education Agreement

An interstate compact to enhance educational opportunities for students living near the border between two states has been put into effect by special legislation in both Wisconsin and Minnesota.

The compact became effective during the 1969 summer sessions for 11 state higher education institutions situated near the common borderline.

Elements of the plan are as follows:

(1) Duration of the Agreement: The plan to be implemented under the agreement would be regarded as an experimental step that will provide experience to be taken into account in formulating a permanent agreement. This agreement will become effective at the beginning of the 1969 summer session of the institutions involved and will be reviewed at the end of the second year.

(2) Scope of the Plan - Students: All undergraduate students whose place of residence is within 35 miles of the Minnesota-Wisconsin border would be covered by the agreement, regardless of the program or level for which the student is enrolled or wishes to be enrolled. The sending state would determine the residency status of a person living in that state.

(3) Scope of the Plan - Institutions: All state-controlled higher education institution campuses, except vocational schools, which are located within 35 miles of the border would be covered by the agreement without regard for type of institution. Students attending an institution across the state line would be permitted to participate in this compact provided they attend an institution which is not more than 35 to 40 miles from the students' place of residency. The coordinating agency in the sending state will determine the eligibility of students insofar as the distance factor is concerned.

(4) Purpose and Nature of the Plan: The purpose of the agreement would be to improve the availability and accessibility of higher education opportunities for those Minnesota and Wisconsin residents who are covered by the agreement. This will be accomplished by granting entrance to institutions of the neighboring state according to the same terms and conditions which govern entrance to those same institutions by residents of the state which controls those institutions.

A Minnesota resident who resides in the area specified under the agreement could attend any Wisconsin institution which is located within the area specified under the agreement on the same basis as any Wisconsin resident can attend that same institution.

A Wisconsin resident who resides in the area specified under the agreement could attend any Minnesota institution which is located within the area specified under the agreement on the same basis as any Minnesota resident can attend that same institution.

The Minnesota resident would be required to meet those admission and performance requirements which are applicable to Wisconsin residents, and the Wisconsin resident would be required to meet those admission and performance requirements which are applicable to Minnesota residents. Those charges for tuition and fees which apply to Wisconsin residents would also be applied to the Minnesota resident. Those cha ges for tuition and fees which apply to Minnesota residents would also be applied to the Wisconsin resident.

(5) Magnitude of the Plan: The intent of the plan would be to provide for an approximately equal total number of students crossing the border in each direction. Under this agreement, the total number of Minnesota students attending Wisconsin institutions granted in-state residency status would equal the total number of Wisconsin students attending Minnesota institutions. The maximum number of students to be granted residency status would be determined by the two state coordinating agencies on or before January 2nd of each year. Summer school enrollment allocations under this agreement will be determined separately from the academic year enrollments. In the event that the number of students wishing to attend institutions in the neighboring state should exceed the maximum provided under the agreement, the sending state would determine which students should be included under the arrangement. The allotment of students to each institution will be determined by the coordinating agency of the receiving state.

LEGISLATIVE MODELS FOR
INTERLOCAL AND INTERSTATE COOPERATION

ENABLING LEGISLATION FOR THE
MINNESOTA - WISCONSIN HIGHER EDUCATION AGREEMENT

1967 WISCONSIN STATUTES

39.03 Higher Education Agencies:

(8) Interstate Agreements. The coordinating committee, with the approval of the joint committee on finance if the legislature is in session, or the board on government operations if the legislature is recessed or adjourned, or the governing boards of the systems under its jurisdiction, with the approval of the coordinating committee and the joint committee on finance if the legislature is in session, or the board on government operations if the legislature is recessed or adjourned, may enter into agreements or understandings which include remission of nonresident tuition for designated categories of students at state institutions of higher education with appropriate state agencies and institutions of higher education in other states to facilitate utilization of public higher educational institutions of this state and other states. Such agreements and understandings shall have as their purpose the mutual improvement of educational advantages for residents of this state and such other states or institutions of other states with which agreements are made.

1967 MINNESOTA STATUTES

136.111 State Colleges and State Junior Colleges.

STUDENTS; RECIPROCITY WITH OTHER INSTITUTIONS. Subdivision 1. In order to make the most provident utilization of state colleges, and private colleges in Minnesota, and public and private colleges and universities in contiguous states and to avoid duplication of facilities, it is desirable to provide means which will enable a student resident within the areas served by such institutions of higher education to obtain his desired courses in the most expedient manner and at the least possible cost.

Subd. 2. The state college board may therefore enter into contracts with private colleges or public colleges or universities, or the governing boards thereof, in contiguous states and private colleges within this state on a reciprocal basis in order to accomplish the following:

(a) To enable a student at any institution party to such a contract to take a specialized course or courses at a different institution from that in which he is enrolled, with or without the payment of tuition charges at the other institution;

(Enabling Legislation for the Minnesota-Wisconsin
Higher Education Agreement, Continued . . . )

(b) To enable a student enrolled in any of the institutions party to the contract to attend another institution party to such contract without being required to pay nonresident tuition fees and in accordance with the terms of such contract;

(c) A contract entered into pursuant to this subdivision shall provide for approximately equal advantages between the contracting institutions.

Subd. 3. The state college board may prescribe the procedures for carrying out the authority conferred by subdivision 2.

Subd. 4. The program authorized by the terms and provisions of this section being experimental, the number of course credit hours to be taken by students under contracts made by the state college board pursuant to subdivision 2 for all the institutions under its jurisdiction shall be limited to an aggregate of 2,000 credit hours in any one academic year.

Subd. 5. The provisions of Minnesota Statutes 1961, Section 136.11, and any act amendatory thereof, are hereby modified to the extent necessary to give force and effect to this section.

February, 1969 Repeal of Minnesota Statutes, 1967, Section 136.11, Subdivision 4.

February 26, 1969: Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 136.111, Subdivision 4, is repealed.

MODEL OF

INTERGOVERNMENTAL COOPERATION
CONSTITUTION PROVISION

The state constitutions of several states, including Alaska and Hawaii, contain provisions which authorize intergovernmental relations. The constitutional provisions allow flexibility in cooperative efforts at the interstate, federal-state, and interlocal levels.

The model amendment cited below was prepared by the New York State joint Legislative Council on Interstate Cooperation. If similar amendments were incorporated into state constitutions in the West, it would provide a base for broad implementation of interlocal and interstate agreements regarding student exchanges at the community college level.

Suggested Constitutional Provision

(Title, format, and procedural practice for constitutional amendment should conform to state practice and requirements.)

Subject to any provision which the legislature may make by statute, the state, or any one or more of its municipal corporations and other subdivisions, may exercise any of their respective powers, or perform any of their respective functions and may participate in the financing thereof, jointly or in cooperation with any one or more (municipal corporations or other subdivisions within this state or with) other states, or municipal corporations, or other subdivisions of such states, or with the United States, including any territory, possession or other governmental unit thereof.

## Suggested Legislation

[Title should conform to state requirements.]

(Be it enacted, etc.)

Section 1. Purpose. It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

Section 2. Short Title. This act may be cited as the Interlocal Cooperation Act.

Section 3. Definitions. For the purposes of this act:

(1) The term "public agency" shall mean any political subdivision [insert enumeration, if desired] of this state; any agency of the state government or of the United States; and any political subdivision of another state.

(2) The term "state" shall mean a state of the United States and the District of Columbia.

Section 4. Interlocal Agreements. (a) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state [having the power or powers, privilege or authority], and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

(b) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any such agreement shall specify the following:

(1) Its duration.

(2) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.

(3) Its purpose or purposes.

(4) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.

(5) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.

(6) Any other necessary and proper matters.

(d) In the event that the agreement does not establish a separate legal party to conduct the joint or cooperative undertaking, the agreement shall, in addition to items 1, 3, 4, 5, and 6 enumerated in subdivision (c) hereof, contain the following:

(1) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board public agencies party to the agreement shall be represented.

(2) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

(e) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performances may be offered in satisfaction of the obligation or responsibility.

(f) Every agreement made hereunder shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted to him hereunder unless he shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within [ ] days of its submission shall constitute approval thereof.

[(g) Financing of joint projects by agreement shall be as provided by law.]

Section 5. Filing, Status, and Actions. Prior to its entry into force, an agreement made pursuant to this act shall be filed with [the keeper of local public records] and with the [secretary of state]. In the event that an agreement entered into pursuant to this act is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

Section 6. Additional Approval in Certain Cases. In the event that an agreement made pursuant to this act shall deal in whole or in part with the provision of services of facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorney general pursuant to section 4(f) of this act. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorney general.

Section 7. Appropriations, Furnishing of Property, Personnel and Service. Any public agency entering into an agreement pursuant to this act may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

Section 8. Interlocal Contracts. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which[[each public agency] or [any of the public agencies]] entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract. Such

contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.[1]

Section 9. Separability. [Insert separability clause.]

Section 10. Effective Date. [Insert effective date.]

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1. Interlocal contracts for services raise some problems different than those raised by interlocal agreements for joint enterprises. Existing general law governing contracts by local governments should be examined to relate this authorization to them, if necessary. Additional provisions may be needed or desirable in this section. Provisions similar to those in subsection 4(f), the filing provisions of section 5, and the additional approval in section 6 could be considered in this connection.

Source: Advisory Commission on Intergovernmental Relations, 1967 State Legislative Program of the Advisory Commission on Intergovernmental Relations, Washington, D.C.: October 1966, pp. 477-483. This model act was adopted, with certain revisions, from Council of State Governments, Suggested State Legislation--Program for 1957. Chicago, Illinois: Council of State Governments, October 1956, pp. 93-97.

# TUITION, FEES, AND OTHER DATA FOR COMMUNITY COLLEGES IN THE WEST*

The following section contains a state-by-state inventory of tuition and fees at junior and community colleges in the West. The data were extracted primarily from the 1969 AAJC Directory and college catalogues.

*NOTE: this section has been deleted due to marginal reproducibility.